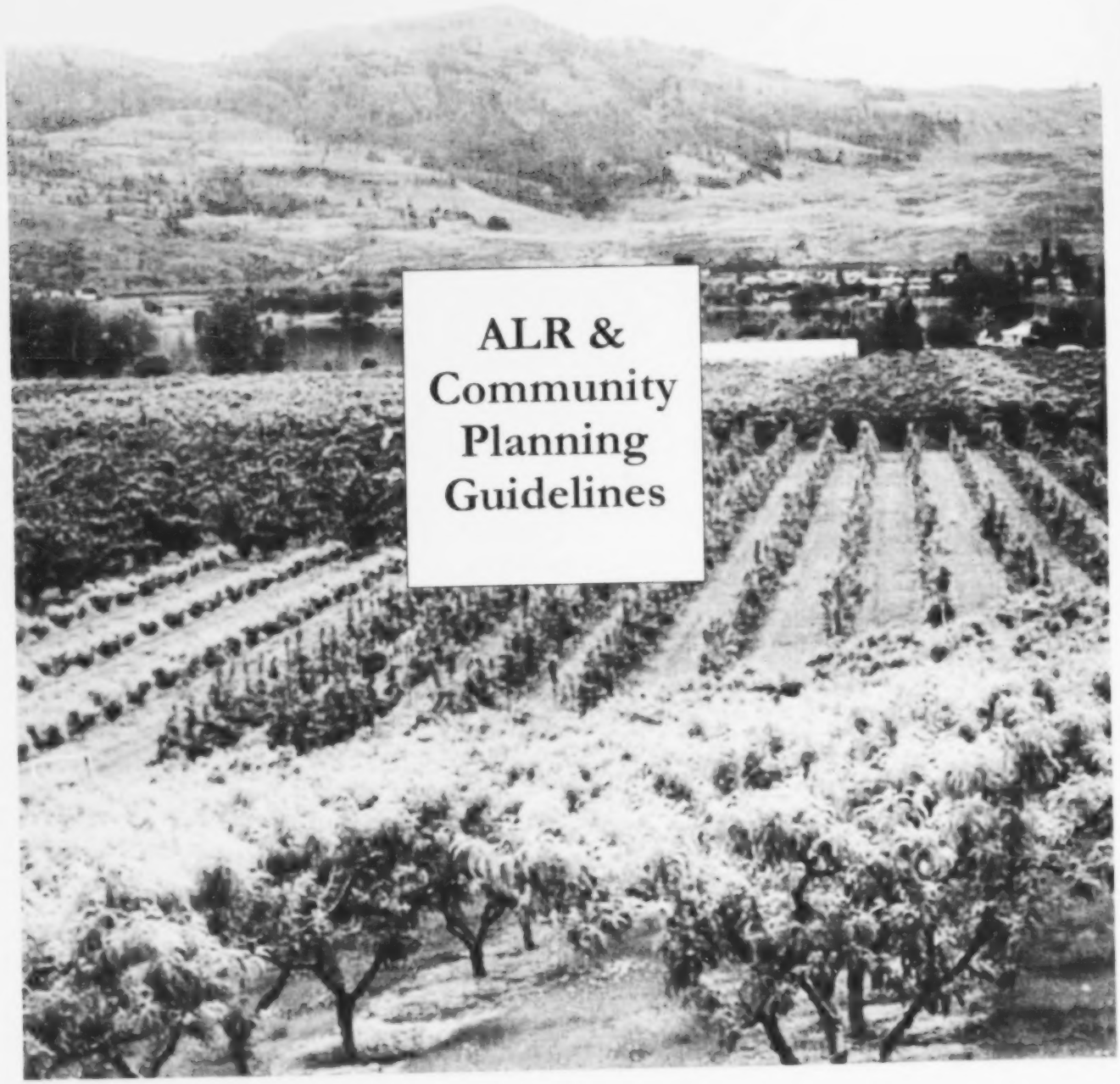
Agricultural Land Commission



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Introduction

Contents

Introduction	...1
Legislative & Policy Framework	...2
Roles & Responsibilities	...3
Guidelines	...4
Permitted Uses	...5
Minimum parcel Sizes	...5
Designations for Agriculture	...6
Development Permit Area	...6
Delegation	...7
Plan Review Process	...7
Two Review Streams	...8
Monitoring & Auditing	...9
Appendix 1: Policy Guidelines	...10
Appendix 2: DPAs for Protection of Farmland	...11

The Commission is distributing the "ALR and Community Planning Guidelines" which are an update of its *Guide to the Relationship between ALR's and Local Government Plans and Bylaws*, in use since the early 1980's.

The Guidelines are written for local governments that are preparing official plans under the *Local Government Act*, that involve ALR land. They apply to new and updated plans and plan amendments affecting lands in the ALR.

Additional guidelines are provided for plans that form the basis of a delegation agreement between the Commission and a local government, whereby subdivision and land use decisions are delegated to a local Board or Council.

These guidelines provide advice in preparing and adopting plans that recognize the provincial interest in preserving lands for agriculture and encouraging farming. They are written for local governments preparing new and updated plans and plan amendments affecting ALR, including:

- *official community plans,*
- *agricultural area plans,*
- *transportation plans,*
- *parks and open space plans and*
- *other plans that involve the ALR*

The Guidelines outline a revised process for Commission review of local government plans. Two processes or 'streams' are implemented:

Stream #1: Local governments refer plans to the Commission after first reading, with a letter certifying the plan meets the Commission Guidelines. This would apply to plans with relatively small ALR areas, plans that do not contemplate non-farm uses in the ALR, or plans for areas that already have an agricultural plan endorsed by the Commission. Plans forwarded under this stream will be filed by the Commission and audited for compliance.

Stream #2: The current procedure for Commission review of local government plans is followed. Local government staff notify the Commission of plan preparation early in the process. Consultation and referral of early plan drafts is followed by meetings between the Commission and Board or Council if necessary. Local government refers the plan immediately following first reading. The Commission comments on whether the plan is consistent with the Act, regulations and orders of the Commission, and may or may not require specific changes to make it consistent.

Benefits

- improved advice and direction to local governments when preparing plans that involve ALR
- detailed information for local governments using Development Permit Areas for the protection of farming
- where ALR issues are minor, streamlined community plan reviews are more efficient and timely
- Commission resources directed to working with local governments on those areas experiencing high growth and limited options for expansion
- partially results-based process should reduce paperwork for local governments and the Commission

Local governments play an important role in enabling farm businesses to thrive on protected farmlands, thus contributing to local and regional economies. The Commission supports a coordinated and cooperative approach to ensure agricultural lands are available to provide food and other agricultural products, as well as generating other environmental and social values, for generations to come.

Legislative & Policy Framework

Agricultural Land Commission Act (ALCA)

The Agricultural Land Commission has three purposes:

1. To preserve agricultural land;

2. To encourage farming on agricultural land in collaboration with other communities of interest; and

3. To encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

The third purpose directs the Commission to work with local governments and others to ensure that their plans and bylaws are compatible with provincial zoning – the ALR. The guidelines are designed to assist the Commission in meeting this purpose.

Under Section 46 of the Act, a local government must ensure that its bylaws and plans are consistent with the Act, the regulations and orders of the Commission. Where bylaws are deemed inconsistent, they are of no force or effect, to the extent of the inconsistency. A local government bylaw is defined as "a bylaw made by a local government that adopts a regional growth strategy, an official settlement plan, an official community plan, an official development plan or a zoning bylaw".

Other Government Acts

Under Section 878 (1) of the ***Local Government Act,*** local governments may include in official community plans "Policies …respecting the maintenance and enhancement of farming on land in a farming area or in an area designated for agricultural use in the community plan".

Section 882 (3) (c) requires local governments to refer the Official Community Plan to the Commission for comment, if the plan applies to land in an ALR established under the ALCA. Under Section 882 (6) (a), the Minister of Community, Aboriginal and Women's Services may define areas and/or circumstances under which a referral to the Commission under subsection (3) is not required.

Section 917 of the Act provides the authority for local governments to adopt farm bylaws to regulate farm management activities in farm areas, subject to approval by the Minister of Agriculture, Food and Fisheries.

The ***Farm Practices Protection (Right to Farm) Act*** protects farmers' right to farm and provides for guidelines for local government zoning in farm areas.

Under Section 903(5) of the ***Local Government Act,*** "…a local government must not exercise the powers under this section to prohibit or restrict the use of land for a farm business in a farming area unless the local government receives the approval of the minister responsible for the administration of the *Farm Practices Protection (Right to Farm) Act*". Ministry of Agriculture, Food and Fisheries staff review zoning bylaws for lands in farm areas which include the ALR.

Section 86 of the ***Land Title Act,*** states that an approving officer may refuse to approve a subdivision if "the anticipated development of the subdivision would unreasonably interfere with farming operations on adjoining or reasonably adjacent properties, due to inadequate buffering or separation of the development from the farm". Official community plans can be used by local governments to reduce conflicts between farm and non-farm uses and to require developers to provide buffers between these uses.

ALC Service Plan

The Agricultural Land Commission's current Service Plan has a specific strategy to establish Commission guidelines for the preparation of Official Community Plans (OCP's) by local governments. This strategy is designed to meet the following specific goal and objective of the Commission:

Goal #2: Encourage and enable farm businesses

Objective: Plans, policies and activities of local governments, agencies and First Nations encourage, enable and accommodate farming.

Strategy: Distribute guidelines to local governments to guide plan development and apply guidelines to plan reviews to ensure provincial ALR interest is met.

Roles & Responsibilities

Agricultural Land Commission

The Commission's authority and responsibilities for managing the ALR are found in the Act and regulations passed by the provincial legislature and cabinet. The Commission encourages local governments to adopt plan and bylaw provisions that are supportive of farm activities and compatible uses in the ALR and which recognize the wide range of agricultural values and the economic, social and environmental contributions of a healthy agricultural sector to communities and regions. These guidelines are intended to provide specific guidance to local governments to assist in meeting provincial and local objectives for farmland preservation and use.

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2. *To encourage farming on agricultural land in collaboration with other communities of interest;*
3. *To encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.*

Ministry of Agriculture, Food and Fisheries

Ministry staff review zoning bylaws which regulate farm use in farm areas, including the ALR. Ministry staff work with Commission staff in agri-teams to provide advice to local government planners to help achieve consistency between bylaws and the ALCA and to meet the requirements of the *Local Government Act.*

The Ministry is committed to enabling sustainable development of the agri-food sector. In its 2004/05 – 2006/07 Service Plan, the ministry has an objective to maintain "a positive regulatory climate within local government jurisdictions to encourage investment in agriculture … in their communities, and to encourage the use of responsible production practices". Among other activities, the ministry reviews bylaws, provides support to agricultural advisory committees, and works with local governments to prepare agricultural area plans that provide direction and guidance on actions local governments can take to enhance their local agricultural industries.

Local Governments

Local governments prepare plans and bylaws under the authority of Part 26 of the *Local Government Act.* They must also adhere to all other legislation of the provincial government including the *Agricultural Land Commission Act.*

It is the responsibility of local governments to ensure that all plans and bylaws related to lands in the ALR are consistent with the Act, the regulations and orders of the Commission.

These guidelines are intended to assist local governments in achieving this consistency.

Guidelines

The following guidelines are intended for use by local governments to assist in drafting plan and bylaw provisions regulating the use of and activities on lands in the ALR. Where the guidelines suggest specific wording, local governments should consult their solicitor for legal wording and continuity. The guidelines address basic criteria and permitted uses, location of uses and minimum parcel sizes for non-farm development in the ALR.

Principles and criteria for planning documents re ALR

To achieve consistency with the Act, regulations and orders of the Commission the following criteria should be met by local government land use plans:

- Plans involving lands in the ALR should have objectives and policies for agriculture that are supportive of farming and farm compatible activities in the ALR
- Plans should include a map showing the location of ALR boundaries (as of the date of adoption of the plan)
- Lands within the ALR should be wholly contained within a plan designation or zone that permits a broad range of agricultural uses
- Alternatively, for jurisdictions with significant areas of ALR, where lands within the ALR vary in character and agricultural activity they should be contained within a limited number of appropriate plan designations or zones that permit a broad range of agricultural uses and appropriate parcel sizes
- Lands within the ALR should not be designated for urban, rural settlement, commercial, industrial, institutional, resort or other designations that permit development over and above what is permitted under the Act, regulations and orders of the Commission.

Plan general provision statement for ALR

A local government plan or bylaw should include a general provision which recognizes the authority and jurisdiction of the ALC for lands within the plan or bylaw area which are also within the ALR. Sample wording is as follows:

Notwithstanding any other provisions of this bylaw, all lands within the Agricultural Land Reserve (ALR) are subject to the provisions of the Agricultural Land Commission Act, the regulations and orders of the Agricultural Land Commission. The Act and regulations generally prohibit or restrict non-farm use and subdivision of ALR lands, unless otherwise permitted or exempted.

Plan goals and objectives for agriculture

Plans should include goals and/or objectives in support of agricultural use of ALR. Sample provisions include:

- *Reserve lands within the ALR for agricultural and related uses*
- *Minimize conflicts between farm and non-farm uses*
- *Support and promote the economic viability of the agriculture sector*

Plan policies for agriculture

The following are selected examples of plan policies appropriate for the ALR and agriculture:

- *Provide for a full range of agricultural and complementary uses in the ALR and encourage value-added activities that can improve farm viability*
- *Provide setbacks and buffers when developing lands adjacent to the ALR to prevent conflicts and encroachment (Development Permit Areas for the protection of farming may be used as an implementation tool – see Appendix 2)*
- *Recognize and protect the needs and activities of farm operations when considering adjacent and nearby land uses*
- *Plan for uses that are compatible with agriculture along the ALR boundary*
- *Preserve contiguous areas of agricultural land and avoid severance by transportation and utility corridors*
- *Encourage partnerships with the agriculture community, senior governments and private enterprise to promote the development of the agriculture sector*

See Appendix 1 – Policy Guidelines for more information on policies that can be used in plans and bylaws in support of agriculture and to protect farming activities along the ALR boundary.

Plan policies related to other uses and activities may also impact agricultural use of the ALR. Selected examples of related plan policies that should be supportive of farming in the ALR include:

- *Policies in support of environmental protection in the ALR that do not unduly restrict or prohibit farm use in the ALR*
- *Policies to provide appropriate storm-water management so that excessive storm-water drainage (from developed areas) and flooding do not negatively impact farm operations*
- *Policies to provide adequate protection of groundwater sources and surface water supplies for both domestic use and as irrigation water sources*

Permitted Uses

Plans should permit the widest possible range of agricultural uses for areas within the ALR. Unless a use is otherwise permitted by the Act, the regulation or an order of the Commission, a plan or implementing bylaw must not prohibit agriculture in the ALR, including intensive agriculture, or specific types of agriculture such as greenhouses. As an exception, a bylaw under Section 917 of the *Local Government Act,* approved by the Minister of Agriculture, Food and Fisheries, may prohibit or restrict specified farm uses and activities.

Outright Uses in the ALR
Plans or bylaws must permit those farm uses and related uses permitted in the ALR under Section 2 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (BC Reg., 171/2002). This regulation specifies "activities designated as farm use" that a local government may regulate but may not prohibit. A plan may specify these as permitted uses; alternatively if the plan is silent on these uses, they are otherwise permitted outright in the ALR.

Discretionary Uses in the ALR
Plans may also permit those uses listed under Section 3 of the ALR Regulation, or alternatively may prohibit these uses, as provided in subsection (1). If the plan or bylaw is silent on these uses, they are not automatically permitted in the ALR. These include such things as accommodation for agri-tourism, secondary suites, home occupation use, bed and breakfast use, temporary sawmills etc. There are additional uses permitted by ALR regulation, Section 3 (4), including parks, wildlife management areas, roads, railways, water wells etc. which may be permitted or are considered outright uses at the discretion of local government.

Transportation and Utility Uses in the ALR
Transportation and utility corridors can have significant impacts on individual farm operations and farm communities they pass through. Additionally, roads and highways may act as a catalyst, setting off expectations for land use changes that could result in longer term impacts on agriculture. As a result, every effort should be made to avoid agricultural areas with new or expanded routes if at all possible.

For these reasons, early consultation should take place to seek Commission input, where a new road or corridor, or widening of an existing road/corridor over and above that permitted by the regulation, is contemplated in the plan. With consultation, various road or utility corridor options may be considered early in the planning process to avoid or minimize impacts on agriculture. In the event that a resolution is not reached in time, the proposed route through the ALR should not be included in the plan. Alternatively, if the plan shows the proposed route, it should also include a disclaimer statement. This statement should be to the effect that the proposed road/corridor location or route is provisional and requires the approval of the Agricultural Land Commission where it passes through the ALR.

Recreational trails through the ALR also require Commission approval (BC Reg.. 171/2002, Section 6). Proposed trails through agricultural areas should follow the same process as noted above for roads and utilities, with emphasis on early consultation with the Commission where new trails are contemplated. Policies should include provision for the separation and buffering of trails from adjoining agricultural areas and for early consultation with affected landowners.

Minimum Parcel Sizes

The Commission does not apply minimum parcel sizes when making decisions under the Act. A plan designation or zone that incorporates land in the ALR may have a minimum parcel size, particularly if it also includes non-ALR lands. In most cases the Commission favours large minimum parcel sizes, at least as large as the predominant lot size in the area. This is to maintain the broadest range of options for agricultural use and to discourage conversion of land to country estate use. The Commission also has concerns about the subdivision of ALR lands increasing expectations for rural residential and other development in farming areas. Generally, the minimum parcel size provisions applied to the ALR should discourage rather than encourage subdivision. In determining an appropriate minimum lot size in the ALR, the objective in the plan should be to reduce expectations for subdivision approval, as the Commission is reluctant to grant approvals, unless agricultural benefits can be achieved.

Unless permitted by the Act or regulation, all subdivision in the ALR must be approved by the Commission. In some cases, subdivision may be approved by the Commission, for example to allow a home site severance or provide for improved farm management. In these cases subdivision is subject to the bylaw minimum lot size provisions.

The plan or bylaw should include a provision to caution readers that the Commission is not obliged to approve subdivisions in the ALR that meet the bylaw minimum parcel size. At the same time, local governments are not obliged to approve a re-zoning to allow for a subdivision approved by the ALC that does not fit local land use regulations.

Suggested wording for bylaws is as follows:
The minimum parcel size of _____ ha. applies to land that is designated / zoned Agriculture (or other designation that permits agriculture) and is in an ALR designated under the ALC Act if
a) the land is excluded from the ALR;
b) the land is approved for subdivision within the ALR, under the ALC Act; or
c) subdivision is permitted or exempted from approval under the ALC Act, Regulation or Order of the Commission

Designations for Agriculture

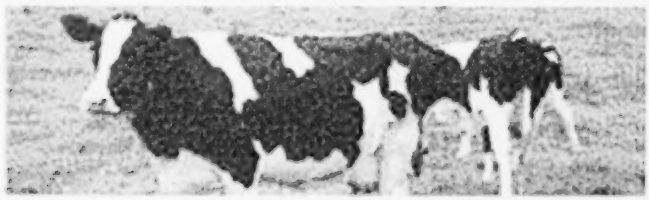
Plans should include ALR lands in a designation that signifies that agriculture is the priority use. This may be an 'Agriculture' designation or zone, or equivalent. Occasionally, where the Act, the regulations or an order of the Commission permit a non-agricultural use, a different designation may be appropriate to reflect that use.

In some limited cases during the planning process, investigation of demand for various types of land use may indicate a potential need to use land currently in the ALR for non-agricultural purposes. In certain instances the proposed use may be accommodated in the ALR; in some others a local government may decide to apply to exclude the land from the ALR to accommodate the use. When non-farm use of the ALR is contemplated during planning, early consultation with the Commission is essential.

To assist the Commission in making an informed decision, local governments should support their case for conversion of ALR lands with data and analysis on past and projected growth trends, land demand and supply, and if appropriate, whether or not there are alternative development sites available. In addition, the local government may provide documentation that the proposal fills a significant community need that cannot be accommodated outside the ALR. To help offset possible losses of agricultural land, a local government may also consider proposing compensating benefits that may be provided for agriculture. However, in the context of a community plan, net benefit proposals require significant analysis by the Commission that may not fit within planning timelines.

When a non-farm use is proposed for ALR land during planning, it should be noted in the plan that the proposed change of use requires the approval of the Commission. The plan may include a statement that an application for exclusion from the ALR may or shall be filed with the Commission.

A plan or bylaw should not include non-agricultural designations that have not been endorsed or approved by the Commission, either in principle or through an application. Non-agricultural designations not endorsed or approved are considered to be inconsistent with the Act, the regulations and orders of the Commission. As such, pursuant to Section 46 (4) of the Act, the bylaw has, to the extent of the inconsistency, no force or effect.



Development Permit Areas

Section 919.1 (1) of the *Local Government Act* provides local governments with the authority to designate a "development permit area" (DPA) for the "protection of farming". This and other development permit areas must be designated by an official community plan, and the plan must specify the conditions or objectives that justify the designation, and requirements for development. In the case of agriculture, this tool is an appropriate means to protect agricultural uses and activities particularly along the ALR boundary, where conflicts with urban uses are likely to occur. In a development permit area for the protection of farming, a local government can require a developer to install a buffer (setbacks, fencing, vegetative screening etc.) to reduce conflicts between farm and non-farm uses.

In areas where farm and non-farm conflicts are occurring, or are likely to occur with development, the Commission encourages local governments to make provisions in their OCP's for development permit areas for the protection of farming. See Appendix 2: Development Permit Areas for the Protection of Farming.

Other development permit areas, for example for the protection of the environment, may have negative or unintended impacts on farming. Provisions in DPAs for purposes other than agriculture, should recognize that agriculture is the priority use in the ALR, and that agricultural uses should not be effectively prohibited, as a consequence of protecting other values. In addition, if conservation covenants are used as an implementation tool, Commission approval must be obtained where covenants contemplate prohibitions or restrictions on agriculture in the ALR (see Section 22 of the ALCA).

Delegation

For local governments that are seeking or are considering assuming delegated powers for land use and subdivision decisions under Section 26 of the *Agricultural Land Commission Act*, additional guidelines for OCPs will be applied. The Commission will undertake a more stringent standard of review for these plans, to ensure that its mandate to protect agricultural lands is supported by local government decision-making. In addition to the guidelines outlined above, the Commission will consider the following in its review of OCP's which may form the basis of a delegation agreement between the Commission and a local government.

Definitions for agriculture
The definitions for agriculture in a plan must provide for a broad range of agricultural uses in the ALR and should closely reflect the definitions found in the *Agricultural Land Commission Act* and regulations and *Farm Practices Protection (Right to Farm) Act.*

Permitted uses in ALR
Uses permitted in the ALR must closely reflect those farm uses permitted under the ALR regulation, and must not include non-farm uses that are not permitted by the Act, regulations or orders of the Commission.

Minimum lot sizes
The Commission will give greater scrutiny to minimum parcel size provisions in OCP's and implementing bylaws, where delegation of subdivision and land use decision-making from the Commission to a local government is contemplated. Minimum lot sizes must be large enough to provide for a broad range of agricultural uses and must be at least as large as the larger lots in the area. Lot sizes should be designed to accommodate and promote those agricultural uses for which the plan area is best suited. Some exceptions may be made in certain areas with special features, as negotiated between the Commission and the local government during plan review.

Designations for 'agriculture'
Plan designations for 'agriculture' should generally coincide with ALR boundaries (or extend beyond the ALR) and must entirely encompass lands in the ALR. They must be noted on the plan maps at an appropriate scale. In most cases, except where there is significant variation in the character of farm uses that justifies more than one designation, there should be a single designation, rather than multiple designations for agriculture. The designation should permit all agricultural and related uses permitted under the Act and regulations. In some areas where different resource uses including agriculture, predominate, a general 'resource' designation that includes ALR, may be appropriate.

Special Provisions for the protection of farming
Where a plan is going to form the basis for a delegation agreement between the Commission and a local government, the Commission expects to see the authority for development permit areas for the 'protection of farming' established in the OCP, where appropriate. That is, development permits should be available as a tool for local government where farm and non-farm conflicts are likely to occur. If a zoning bylaw is used to establish guidelines and a process for development permits to protect agriculture, the bylaw should also be referred to the Commission for review. See Appendix 1: Policy Guidelines to protect Farmland along ALR Boundary; and Appendix 2: Development Permit Areas for the Protection of Farming.

Plan Review Process

The Commission is implementing an ALR and community plan review process with two different streams or procedures for local governments that are referring plans to the Commission under Section 882 of the *Local Government Act*. The first stream introduces a new referral and notification process where local governments file a community plan or OCP amendment with the Commission with a letter 'certifying' that the plan meets the Commission's "ALR and Community Planning Guidelines". The second stream follows a similar process to the current one: local governments refer a plan to the Commission early in the planning process for review by Commission staff and comment by the Commission panel.

Commission staff will be available to advise local governments on the appropriate stream to follow.

The Commission will continue to undertake full consultation and review of Regional Growth Strategies under the *Local Government Act*.

Plans That Follow Stream #1

- plans comprising small or relatively small areas of ALR
- plans that do not propose non-farm uses for lands in the ALR
- plans that meet the guideline for sufficiently large minimum parcel sizes in the ALR to permit a wide range of agricultural activities
- plans for those communities which have an Agricultural Area Plan (AAP) in place endorsed by the Commission and referred to in the OCP
- plans following stream #1 may meet some, most or all of the above criteria

Suggested process:

Commission staff is contacted to determine whether stream #1 is appropriate, if agreed:

- plans are referred to the Commission after first reading, as required under the *Local Government Act*
- the local government encloses a letter stating that the official community plan (or amendment) is consistent with the guidelines (i.e. certification)
- the Commission acknowledges receipt of the plan and letter
- plans are filed in the Commission offices and are available for audit and review by the Commission at a later date

Plans That Follow Stream #2

- plans with large areas of ALR or proportionately large ALR's
- plans with areas of high agricultural significance (i.e.significant gross farm income, farm employment, specialized high value agriculture, or regionally significant ALR)
- plans for communities with high growth rates and limited opportunity or options for densification or further growth outside of the ALR
- plans proposing exclusion of ALR for non-farm development
- plans for communities considering negotiating the transfer of decision-making powers through delegation of those powers from the Commission; or plans for communities where a delegation agreement is already in place
- plans following stream #2 may meet some, most or all of the above criteria

Suggested process:

- Commission staff (and MAFF staff) are notified of a proposed plan or major plan amendments, early in the planning process
- early staff to staff consultation (local government and agri-teams composed of ALC and MAFF staff)
- referral of early drafts to Commission for initial staff review and comment
- meetings between the Commission panel and Board or Council as required
- local government forwards the proposed plan to the Commission, immediately following first reading
- In consultation with MAFF staff, Commission comments on the plan as to its consistency with the Act, regulations and orders of the Commission
- Commission comments may include both 'suggested' and 'required' changes, the latter being requirements to make the plan consistent with the Act.

The Commission considers the early referral of plans that do not fully meet the guidelines to be extremely important, in order to ensure a thorough review and assessment of the plan as to its consistency with the Act and regulations.

ALC

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Monitoring & Auditing

OCP's and bylaws will continue to be referred to the Commission in all cases where ALR lands are included. Any local government that wants a more thorough review may opt for Stream #2.

Those planning documents referred to the Commission under Stream #1 will be monitored and audited to ensure that the Commission's mandate is met. Plans not reviewed by the Commission upon referral may be reviewed during a yearly audit process and results reported in the Commission Annual Report. Local governments will be notified of deficiencies in plans or bylaws identified during auditing.

The audit process will be developed subsequent to developing the guidelines. This will include consideration of:

- Commission Service Plan performance target and audit objectives
- criteria for audit assessment
- acudit process
- analysis of audit results (to assess whether target achieved)
- audit reporting and frequency
- using the audit results to re-assess the strategy and target.

Conclusions

The Commission mandate is to protect agricultural land and encourage and enable farming of that land. At the same time, the Commission supports planning for compact, sustainable communities with appropriate residential, commercial and industrial densities so that ALR lands adjacent to communities are not under constant pressure for conversion to non-farm uses. This is the concept of "up, not out" that the provincial government, through the Commission and other initiatives, has been supporting over many years. When reviewing plans and bylaws that contemplate community expansion onto farmlands, the Commission considers many factors, one of which is the potential for greater density of development outside the ALR.

A secure land base is a fundamental requirement for the continuing growth of agriculture in BC. The province, local governments, ministries and First Nations can continue to work together to protect this valuable resource and to ensure that a vibrant agricultural sector supports and enhances sustainable communities throughout the province.

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Appendix 1:Policy Guidelines

Policy guidelines for community plans to help protect agriculture along the rural-urban interface may have the following features:

Purpose:
To provide a means to mitigate conflict between agriculture and its urban neighbours through policies. A number of best practices are provided.

Application:
Guidelines for development should apply to all urban parcels within 300 metres of the ALR edge. These guidelines will be used when an application is made for development. Using the local government's guidelines as a list of best practices, the proponent can work towards a plan for development that will effectively mitigate potential conflict between urban uses and adjacent agricultural uses.

Guidelines:
1. Where feasible, use constructed buffers and/or compatible uses on the urban side of the ALR boundary - e.g. roads, railroads, hydro rights-of-way, berms, fences, open space and storm-water management facilities.
2. Retain and conserve natural features along the urban side of the ALR boundary – e.g. ravines, woodlots, wetlands and existing vegetation.
3. Where appropriate, and where it is unlikely to create conflicts with farming, consider incorporating passive recreation such as parks into the buffer. With this approach the depth of the buffer should be increased and uses such as trails must be located away from the ALR edge.

4. **Subdivision design measures** should be implemented to minimize negative impacts from urban uses on adjacent farming areas. Road endings and road frontages next to the ALR should be avoided except as may be needed for access by farm vehicles. Subdivision design and construction should minimize erosion, and ground water quality and levels should be maintained through adequate storm-water management, both during construction and later.

5. **Buffer design** should minimize the potential for conflict between farm and non-farm uses. The following outlines the best practices for buffering rear lot lines of urban lots adjacent to the ALR.
a) Minimum separation distance between residential uses or institutional uses such as schools and churches, and the ALR boundary: 30 m.
b) Minimum separation distance between other non-farm uses (industrial, commercial, recreational) and ALR: 15 m.
c) Minimum width of buffer: 15 m or greater depending on degree of impact and potential conflict between uses.
c) Buffer should include:
- triple row trespass-inhibiting shrubs
- minimum double row deciduous/coniferous trees
- minimum double row screening shrubs
- berm with minimum height 2 m above adjacent grades
- 2.4 m minimum height solid wood fence on top of berm
- minimum double row trespass inhibiting shrubs
- additional fence may be located along the ALR boundary

d) Buffer planting and layout will follow Schedules A of the *MAFF Edge Planning Guide* or the *ALC Landscaped Buffer Specifications.*
- no gaps in buffer; about 50% of screen is air space
- fence design will follow Schedule D of the *ALC Landscaped Buffer Specifications*
- plant materials may be selected from lists in Schedules C of the *MAFF Edge Planning Guide* or *ALC Landscaped Buffer Specifications.*
- reduce numbers of lots along the ALR boundary
- establish greater building rear lot line setbacks along the urban side of the ALR boundary.
- buffer installed prior to commencing building construction.
- buffer maintenance plan developed and signed off by a registered landscape architect or professional biologist.

Communications: Develop subdivision agreements to inform potential home purchasers that farm operations exist in close proximity and that impacts from farm practices such as noise, odour and dust should be expected during certain times of the year as part of acceptable farm practices. This information may be registered on the property title. Following is an example of a clause that could be contained in an agreement as part of a development approval or alternatively a similar statement could be included in the plan policy section: *"The developer agrees to advise the purchaser that noise, dust and odour associated with nearby farm operations may occasionally affect some activities of dwelling occupants."*

In addition to the above agreement, local governments may consider requiring a subdivision notice/sign that informs prospective purchasers of the proximity of farm operations within the immediate area. The suggested wording of the agreement is:
"The developer agrees to erect a sign containing the following information:
a) identifying residential lots or blocks;
b) identifying agricultural lands which are actively farmed;
c) any features which are included in the approved plan of subdivision for the purpose of mitigating rural/urban conflicts (e.g. fencing, berming, vegetation, etc)"

Local governments may also consider requiring or asking developers to provide an information package to homeowners within 300 metres of the ALR boundary. This package could outline: the benefits of and maintenance requirements for the buffer, information on right-to-farm legislation and acceptable farm practices (e.g. MAFF's *The Countryside and You* booklet) and contact numbers for concerns and complaints.

Appendix 2: Development Permits

The following provides information on how to implement a development permit area (DPA) to protect farmland.

Purpose
To protect farming.

Area
The farmland protection Development Permit Area is shown on Map X – DPA's, and is the linear area 300 metres wide along the ALR boundary (but outside the ALR).

Justification
The Development Permit Area is applicable to all lands within 300 metres of the Agricultural Land Reserve (ALR), or separated by a right-of-way, a statutory right-of-way or a dedicated road.

Lands located within the ALR require protection for long term farm use. Land use conflicts between farm operations in the ALR and non-farm uses on lands adjoining or reasonably adjacent to the ALR may compromise the agricultural use of ALR lands. Addressing subdivision layout, building design and storm-water management and incorporating landscaped and fenced buffers between new subdivisions and ALR lands will protect the agricultural use of the ALR lands and minimize complaints due to farming activities.

Application

Prior to beginning development on lands within a designated DPA for the protection of farming, the owner must:

1. obtain a development permit in accordance with the Farmland Protection Development Permit Area Guidelines; and
2. include an assessment of the site, substantiate the need for a buffer and provide design measures that are most appropriate for the site; consider the type and intensity of proposed urban use and its relationship to farm uses.

Suggested 'Farmland Protection DPA Guidelines':

1. Subdivision design must minimize potential negative impacts that may occur between farm and non-farm land users. Subdivision design should avoid road endings or road frontage next to the ALR except as may be necessary for access by farm vehicles.
2. Open spaces with landscaped buffers, designed with water retention capacity or adequate storm drainage systems, are encouraged to locate along or close to the ALR boundary to provide both urban and agricultural storm-water management. Refer to the MAFF Water Balance Model (www.waterbalance.ca)
3. For parcels located immediately adjacent to the ALR, a buffer must be established parallel to and along the ALR boundary in accordance with the following criteria:
    a) All buffers (type and size) must be designed using MAFF's *Edge Planning Guide*;
    b) All buffer areas must be landscaped using materials set out in Schedules C of MAFF's *Edge Planning Guide* or the Agricultural Land Commission *Landscaped Buffer Specifications*. If vegetation already exists on the site it should be retained as part of the buffer (where appropriate) if not detrimental to adjacent farming operations;
    c) Plant layout, spacing and support must be in accordance with Schedules B of the MAFF *Edge Planning Guide* or Agricultural Land Commission *Landscaped Buffer Specifications*;
    d) The design and construction of the landscaped buffer must be to the standard of the BC Society of Landscape Architects/BC Nursery Trades Association (BCNTA) publication *BC Landscape Standards*, most recent edition;
    e) If adequate fencing does not currently exist, fencing must be constructed where a subdivision adjoins the ALR boundary. Fencing must be constructed in accordance with Schedules D of the MAFF *Edge Planning Guide* or Agricultural Land Commission *Landscaped Buffer Specifications*; and
    f) The buffer should be installed prior to commencing building construction.
4. A buffer maintenance plan must be developed and signed off by a registered landscape architect or professional biologist.
5. A section 219 Covenant for the buffer specified in the 'Farmland Protection Development Permit Area Guidelines' must be registered on title. This covenant should prohibit the removal of vegetation and the construction of, or addition to, any buildings or structures within the buffer area other than fencing in accordance with Schedule D of the Agricultural Land Commission *Landscaped Buffer Specifications*. If land within the buffer area is within the ALR, under Section 22 of the *Agricultural Land Commission Act*, this covenant may require the Commission's approval, prior to registration.